

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAMON MERVIN STUTESMAN,

Petitioner,

No. CIV S-05-0059 LKK JFM P

vs.

ROSANNE CAMPBELL, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.¹

Petitioner challenges his 1996 conviction, entered pursuant to a guilty plea, on charges of continuous sexual behavior with a minor in violation of California Penal Code § 288.5, for which he is serving a sentence of twelve years in prison. Petitioner contends that he received ineffective assistance of trial counsel and appellate counsel when counsel failed to

¹ On January 14, 2005, petitioner filed a motion for leave to proceed with this action in forma pauperis. By order filed January 21, 2005, petitioner was directed to explain discrepancies between his in forma pauperis application and the trust account statement appended thereto. On February 3, 2005, petitioner filed a response to the January 21, 2005 order, and on March 11, 2005, petitioner paid the filing fee. Good cause appearing, petitioner's motion for leave to proceed in forma pauperis will be denied without prejudice to its renewal, if appropriate, at a later stage of these proceedings.

In accordance with the above, IT IS HEREBY ORDERED that:

2. Respondents are directed to file an answer within forty-five days from the date of this order. See Rule 4, Rules Governing Section 2254 Cases. Respondents shall include with the answer any and all transcripts or other documents relevant to the determination of the issues presented in the application. Rule 5, Rules Governing Section 2254 Cases;

4. The Clerk of the Court shall serve a copy of this order together with a copy of petitioner's application for writ of habeas corpus on Jo Graves, Senior Assistant Attorney General.

John F. Winkler
UNITED STATES MAGISTRATE JUDGE

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